

R156. Commerce, Occupational and Professional Licensing.

R156-72. Acupuncture Licensing Act Rule.

R156-72-101. Title.

This rule is known as the "Acupuncture Licensing Act Rule".

R156-72-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 72, as used in this rule:

(1)(a) "Administration", as used in Subsection 58-72-102(4)(b)(ii), means the direct application of an herb, homeopathic, or supplement to the body of a patient by:

- (i) ingestion;
 - (ii) topical application;
 - (iii) inhalation; or
 - (iv) acupoint injection therapy (AIT).
- (b) Administration does not include:
- (i) venous injections;
 - (ii) immunizations;
 - (iii) legend drugs; or
 - (iv) controlled substances.

(2) "Controlled substance" means a drug or substance defined in Subsection 58-37-2(1)(f).

(3) "Legend drug" means a prescription drug as defined in Subsections 58-17b-102(32) and (64).

(4) "Herbs" and "homeopathics", as used in Subsection 58-72-102(4)(b)(ii), may include:

- (a) vitamins;
- (b) minerals;
- (c) amino acids;
- (d) proteins; and
- (e) enzymes.

(5) "Insertion of acupuncture needles" means a procedure of acupuncture and oriental medicine which includes myofascial trigger point therapy, intramuscular therapy, proprioceptive stimulation, Ahshi points, and dry needling techniques.

(6) "NCCAOM" means the National Commission for the Certification of Acupuncture and Oriental Medicine (formerly known as the National Commission for the Certification of Acupuncturists (NCCA)).

(7) "Modern research" means practicing according to acupuncture and oriental medicine training as recognized through NCCAOM.

(8) "Provision", as used in Subsection 58-72-102(4)(b)(ii), includes procurement of the substances listed in Subsection 58-72-102(4)(b)(ii).

R156-72-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 72.

R156-72-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-72-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-72-302(5), the examination requirement for licensure is a passing score as determined by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) on all examinations for certification by NCCAOM in acupuncture or oriental medicine.

R156-72-302b. Qualifications for Licensure - Animal Acupuncture.

In accordance with Subsections 58-28-307(12)(d) and 58-72-102(4)(a)(iii), a licensed acupuncturist practicing animal acupuncture must complete 100 hours of animal acupuncture training and education. The training and education shall include:

- (1) completing 50 hours of on the job training under the supervision of a licensed veterinarian;
- (2) completing animal anatomy training; and
- (3) completing the remaining hours in animal specific continuing education.

R156-72-302c. Informed Consent.

In accordance with Subsection 58-72-302(6), in order for patients to give informed consent to treatment, a licensed acupuncturist shall have a patient chart for each patient which shall include:

- (1) a written review of symptoms; and
- (2) a statement, signed by that patient, that consent is given to provide acupuncture treatment.

R156-72-302d. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) failing to maintain office, instruments, equipment, appliances, and supplies in a safe and sanitary condition;
- (2) failing as a licensee to maintain the professional development activity requirements, as required by the NCCAOM;
- (3) failing to abide by and meet standards of the "Code of Ethics" set by NCCAOM, adopted on October 14, 2008, which are hereby incorporated by reference;
- (4) failing to maintain medical records for a ten-year period;
- (5) failing to obtain education and training recognized by NCCAOM if performing acupoint therapy injections; and
- (6) administering venous injections, immunizations, legend drugs and controlled substances.

R156-72-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 72 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

(3) In accordance with Section 58-72-303, a licensee must complete 30 continuing education units (CEU) within the two-year renewal period.

KEY: acupuncture, licensing

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Authorizing, and Implemented or Interpreted Law: 58-72-101;
58-1-106(1) (a); 58-1-202(1) (a)